

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: TRICOR® DIRECT PURCHASER :	C.A. No. 05-340-SLR
ANTITRUST LITIGATION :	(Consolidated)
:	
:	

[AMENDED PROPOSED] ORDER
APPROVING FORM AND MANNER OF NOTICE OF
PENDENCY OF CLASS ACTION TO THE DIRECT PURCHASER CLASS

AND NOW, this day of , 2008, upon consideration of Direct Purchaser Class Plaintiffs' Motion for Approval of Form and Manner of Notice of Pendency of Class Action [D.I. 438], and Memorandum of Law in support thereof [D.I. 439], Defendants' joint opposition thereto [D.I. 441], and Direct Purchaser Class Plaintiffs' reply filed contemporaneously herewith, and finding that the Class Notice, Summary Notice and Plan of Notice attached hereto as Exhibits "A," "B," and "C" respectively meet the requirements of Fed. R. Civ. P. 23(c)(2)(B), it is hereby ORDERED, DECREED, and ADJUDGED that said motion be, and hereby is, GRANTED, as follows:

1. The Court approves the forms of class notice attached hereto as Exhibit "A" and "B," in which the Direct Purchaser Class Plaintiffs have adopted, in its totality, Defendants' suggested language characterizing their defenses [D.I. 441 at 3-4] and adopted one of the two changes Defendants requested in describing the claims made against Defendants [D.I. 441 at 2].
2. The Court approves the Plan of Notice attached hereto as Exhibit "C," which, *inter alia*, includes the definition of the Class and provides for the manner of notice.

3. The Court approves **OCTOBER 15, 2008** as the end date for members of the class to mail requests for exclusion as provided for in the Plan of Notice, the Class Notice, and the Summary Notice.

4. Direct Purchaser Class Counsel shall cause the Class Notice to be mailed, by First Class United States mail, to each member of the Class identified in the transactional sales database that Abbott Laboratories has produced in this litigation and through other means described in the Plan of Notice. Such mailing shall be effectuated on or before **SEPTEMBER 15, 2008**, and shall be performed by Direct Purchaser Class Counsel or their designee.

5. Direct Purchaser Class Counsel or their designee shall cause the Summary Notice be published in *The Pink Sheet* in the issue published on or about **SEPTEMBER 22, 2008**.

6. Direct Purchaser Class Counsel or their designee shall monitor and record any and all opt-out requests that are received.

7. No later than **OCTOBER 29, 2008**, following the close of the period for receipt of timely opt-out requests, Plaintiffs shall file a notice with the Court identifying those entities requesting exclusion from the suit, if any, and informing the Court regarding the status of the mailed Notice program.

IT IS SO ORDERED.

BY THE COURT:

Sue L. Robinson, U.S.D.J.
United States District Court
for the District of Delaware